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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/239,671	01/29/1999	WILLIAM DANIEL TOOHEY	99-60484-5	6425

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EXAMINER

ST CYR, DANIEL

ART UNIT PAPER NUMBER

2876

DATE MAILED: 04/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/239,671

Applicant(s)

TOOHEY, WILLIAM DANIEL

Examiner

Daniel St.Cyr

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. In view of the Appeal Brief filed on 1/14/03, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 24-27 rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. A camera for capturing "a first and a second image.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stout et al, US Patent No. 4,922,339.

Stout et al disclose means and method for visually surveillance and documentation comprising: a video camera 16/44 for capturing video images of a transaction; an input device 32 for collecting data associated with the transaction; a database management system for organizing the video images and data associated with the transaction into a database 20 (see figure 3; col. 6, lines 12-58).

Re claims 2-3, wherein the transaction data includes time/date data (see col. 6, line 54).

Re claim 6, wherein the images are captured based upon a clock signal (see figure 6 and col. 7, lines 15-62).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-10, 21, and 24-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, US Patent No. 5,920,338 in view of Stout et al. The teachings of Stout et al have been discussed above.

Katz discloses an asynchronous video event and transaction data multiplexing technique for surveillance system comprising: a video camera 16 or a plurality of cameras 100, 102, 104,

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for capturing video images of a transaction; an input device 20 for collecting data associated with the transaction; a database management system 14 for organizing the transaction data; and a recording device for recording the combined video/data signal (see figures 1-2; col. 4, line 36+), the data associated with the transaction includes time data, date data, and monetary data (see col. 8, lines 59-68 and col. 10, line 11), wherein the video images are captured based upon a signal that is produced in response to the input device collecting data (see figure 7; claim 1), the images are captured based upon a clock time signal (see col. 6, lines 18-36); a terminal for allowing an operator to input queries into the database and received the image and data associated with the transaction in response to the queries (see col. 6, line 60 to col. 7, line 39), the transaction is a toll collection (financial collection) and /or grocery purchasing (retail) (see col. 7, lines 21-26).

Katz fails to clearly disclose or suggests that a single database is used to store both the video image of the transaction and the transaction data.

See Stout et al above.

In view of Stout et al's teachings, it would have been obvious for a person or ordinary skill in the art at the time the invention was made to employ a single database for storing both the image of the transaction in the transaction data for provide rapid access to both data. Such modification would expedite the verification for each transaction and would facilitate system's auditing. Therefore, it would have been an obvious extension as taught by Katz.

8. Claims 11-20, 22-23, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz, as modified by Stout et al, as applied to claim 1 above, and further in view of Odle, US Patent No. 5,491,511. The teachings of Katz as modified by Stout et al have been discussed above.

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Katz as modified by Stout et al teach a retail (grocery purchasing facility), but fail to disclose or fairly suggest that video signals are captured based upon a bar code reader reading a bare code label wherein the bar code reader includes an emitter for generating a beam of light and a detector for detecting the beam of light wherein the camera is activated when an item breaks the beam of light and using a portion of the data for indexing the data.

Odle discloses a multimedia capture and an audit system for a video surveillance network comprising: an electronic transaction device 14 (bar code reader) for performing transactions; a camera 12 for taking video image of the transactions; and using portion of the data to index the data in the database (see col. 4, lines 1-18 and col. 9, lines 11-26).

In view of Odle's teachings, it would have been obvious for a person of ordinary skill in the art at the time the invention was made to incorporate the well known bar code reader into the system of Katz as modified by Stout et al for facilitating transactions processing and the well known indexing scheme for indexing the stored data. Such modification would provide more reliable data entries during data processing and provide a more effective secured database by preventing unauthorized users from accessing and providing optimal accessing means. Therefore, it would have been obvious extension as taught by Katz as modified by Stout et al.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Coutta, US Patent No. No. 4,120,004, discloses a surveillance system. Clever, US patent No. 4,145,715, discloses a surveillance system.

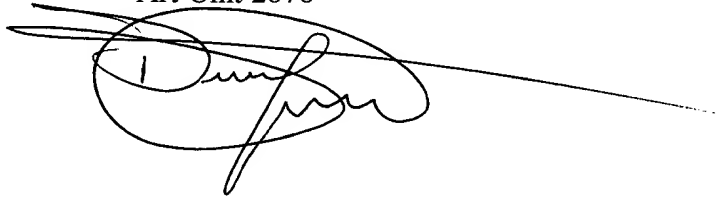
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 703-305-2656. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on 703-305-3503. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7721 for regular communications and 703-308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Daniel St.Cyr
Examiner
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A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is stylized with a large loop and a long horizontal stroke extending to the right.

DS
March 29, 2003